

UNITED STATES DISTRICT COURT

for

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jun 24, 2021

SEAN F. McAVOY, CLERK

U.S.A. vs. Martinez, Leticia Ann Docket No. 0980 2:21CR00044-TOR-2

Petition for Action on Conditions of Pretrial Release

COMES NOW Emely Cubias, PRETRIAL SERVICES OFFICER, presenting an official report upon the conduct of defendant Leticia Ann Martinez, who was placed under pretrial release supervision by the Honorable U.S. Magistrate Judge John T. Rodgers, sitting in the court in Spokane, Washington, on the 5th day of May 2021, under the following conditions:

Standard Condition #9: Defendant shall refrain from the use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner in conformance with Federal law. Defendant may not use or possess marijuana, regardless of whether Defendant has been authorized medical marijuana under state law.

Additional Condition #17: Defendant shall complete treatment indicated by an evaluation or recommended by Pretrial Services and shall comply with all rules of a treatment program. Defendant shall be responsible for the cost of testing, evaluation and treatment, unless the United States Probation Office should determine otherwise. The United States Probation Office shall also determine the time and place of testing and evaluation and the scope of treatment.

Additional Condition #27: Prohibited Substance Testing. If random urinalysis testing is not done through a treatment program, random urinalysis testing shall be conducted through Pretrial Services, and shall not exceed six (6) times per month. Defendant shall submit to any method of testing required by the Pretrial Service Office for determining whether the Defendant is using a prohibited substance. Such methods may be used with random frequency and can include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. Defendant shall refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of prohibited substance testing.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

Violation #1: The defendant is considered to be in violation of her conditions of pretrial supervision by using a controlled substance, methamphetamine, on or about June 9, 2021.

The defendant was released from detention on May 5, 2021. She signed her conditions of release on May 6, 2021, stating she understood she could not use controlled substances.

On June 9, 2021, the defendant submitted to a drug screen at Social Treatment Opportunities Program (STOP), which resulted presumptive positive for amphetamine and methamphetamine. Due to the defendant's initial denial, the specimen was sent for confirmation. On June 19, 2021, it was confirmed by Abbott Laboratories that the sample was positive for amphetamine and methamphetamine.

Violation #2: The defendant is considered to be in violation of her conditions of pretrial supervision by failing to submit to drug testing on May 19, May 27, June 8, and June 17.

The defendant was released from detention on May 5, 2021. She signed her conditions of release on May 6, 2021, stating she understood she would be required to submit to drug testing.

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Ms. Martinez was referred to the Social Treatment Opportunities Program (STOP) for drug testing. She is required to call the drug testing color line and submit to drug testing when the color brown is called. Ms. Martinez has failed to submit to testing as directed on May 19, May 27, June 8 and June 17. She reports her physical limitations prevent her from traveling or walking; however, no documentation from a doctor has been submitted proving her limitations.

Violation #3: The defendant is considered to be in violation of her conditions of pretrial supervision by using a controlled substance, methamphetamine, on or about June 20, 2021.

The defendant was released from detention on May 5, 2021. She signed her conditions of release on May 6, 2021, stating she understood she could not use controlled substances.

This officer visited the defendant on June 23, 2021, at the Samaritan Hospital. During the visit, the defendant was questioned regarding recent drug use. Ms. Martinez admitted to using methamphetamine approximately three days ago.

Violation #4: The defendant is considered to be in violation of her conditions of pretrial supervision by failing to engage in treatment as directed.

The defendant was released from detention on May 5, 2021. She signed her conditions of release on May 6, 2021, stating she understood she could not use controlled substances.

On June 10, 2021, the defendant completed her substance abuse evaluation with STOP. It was determined she would engage in intensive outpatient treatment beginning on June 14, 2021. Ms. Martinez was informed she could participate in treatment via video-conference due to her physical limitations.

On June 22, 2021, this officer was contacted by the staff at STOP, who reported the defendant had failed to initiate and engage in treatment as recommended. Ms. Martinez reported the internet at her home is not reliable and she has been preoccupied with her physical health and depression.

PRAYING THAT THE COURT WILL ORDER A SUMMONS

I declare under the penalty of perjury
that the foregoing is true and correct.

Executed on: June 24, 2021

by s/Emely Cubias

Emely Cubias
U.S. Pretrial Services Officer

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THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☒ The Issuance of a Summons
- ☐ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

June 24, 2021

Date